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SEALED

**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION**

UNITED STATES OF AMERICA

3:22-cr-00084-SI

v.

INDICTMENT

TONY DANIEL KLEIN,

18 U.S.C. § 242

Defendant.

18 U.S.C. § 1623

UNDER SEAL

THE GRAND JURY CHARGES:

INTRODUCTION

At all times relevant to this indictment:

1. Defendant **TONY DANIEL KLEIN** was employed as a corrections nurse with the Coffee Creek Correctional Facility (CCCF), the only women's prison in the state of Oregon.
2. As a CCCF employee, defendant **KLEIN** was responsible for conducting himself in accordance with the United States Constitution.
3. Adult Victims (AV) 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12, known to the grand jury, were female inmates, serving sentences at CCCF.

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Indictment

COUNT 1
(Deprivation of Rights – 18 U.S.C. § 242)

4. Paragraphs 1 through 3 are realleged and incorporated herein.

5. Between on or about September 1, 2017, and on or about September 30, 2017, in the District of Oregon, defendant **TONY DANIEL KLEIN**, while acting under color of law, and acting without a legitimate penological purpose and without a legitimate medical purpose, penetrated AV1's vulva with his penis without her consent, thereby willfully depriving AV1 of her right not to be subjected to cruel and unusual punishment, a right secured and protected by the Constitution and laws of the United States. The defendant's conduct resulted in bodily injury and included aggravated sexual abuse.

In violation of Title 18, United States Code, Section 242.

COUNT 2
(Deprivation of Rights – 18 U.S.C. § 242)

6. Paragraphs 1 through 3 are realleged and incorporated herein.

7. On or about August 15, 2017, in the District of Oregon, defendant **TONY DANIEL KLEIN**, while acting under color of law, and acting without a legitimate penological purpose and without a legitimate medical purpose, touched AV2's breast without her consent and exposed his penis to AV2 without her consent, thereby willfully depriving AV2 of her right not to be subjected to cruel and unusual punishment, a right secured and protected by the Constitution and laws of the United States.

In violation of Title 18, United States Code, Section 242.

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Indictment

COUNT 3
(Deprivation of Rights – 18 U.S.C. § 242)

8. Paragraphs 1 through 3 are realleged and incorporated herein.

9. On or about September 17, 2017, in the District of Oregon, defendant **TONY DANIEL KLEIN**, while acting under color of law, and acting without a legitimate penological purpose and without a legitimate medical purpose, digitally penetrated AV2's genital opening without her consent, thereby willfully depriving AV2 of her right not to be subjected to cruel and unusual punishment, a right secured and protected by the Constitution and laws of the United States.

In violation of Title 18, United States Code, Section 242.

COUNT 4
(Deprivation of Rights – 18 U.S.C. § 242)

10. Paragraphs 1 through 3 are realleged and incorporated herein.

11. On or about September 17, 2017, in the District of Oregon, defendant **TONY DANIEL KLEIN**, while acting under color of law, and acting without a legitimate penological purpose and without a legitimate medical purpose, penetrated AV2's vulva with his penis without her consent, thereby willfully depriving AV2 of her right not to be subjected to cruel and unusual punishment, a right secured and protected by the Constitution and laws of the United States. The defendant's conduct resulted in bodily injury and included aggravated sexual abuse.

In violation of Title 18, United States Code, Section 242.

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Indictment

COUNT 5
(Deprivation of Rights - 18 U.S.C. § 242)

12. Paragraphs 1 through 3 are realleged and incorporated herein.

13. On or about March 26, 2017, in the District of Oregon, defendant **TONY DANIEL KLEIN**, while acting under color of law, and acting without a legitimate penological purpose and without a legitimate medical purpose, caused his penis to have contact with AV3's mouth without her consent and masturbated in front of AV3 without her consent, thereby willfully depriving AV3 of her right not to be subjected to cruel and unusual punishment, a right secured and protected by the Constitution and laws of the United States.

In violation of Title 18, United States Code, Section 242.

COUNT 6
(Deprivation of Rights - 18 U.S.C. § 242)

14. Paragraphs 1 through 3 are realleged and incorporated herein.

15. Between on or about August 1, 2017, and on or about August 31, 2017, in the District of Oregon, defendant **TONY DANIEL KLEIN**, while acting under color of law, and acting without a legitimate penological purpose and without a legitimate medical purpose, caused his penis to have contact with AV3's mouth without her consent, thereby willfully depriving AV3 of her right not to be subjected to cruel and unusual punishment, a right secured and protected by the Constitution and laws of the United States. The defendant's conduct included aggravated sexual abuse.

In violation of Title 18, United States Code, Section 242.

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Indictment

COUNT 7
(Deprivation of Rights - 18 U.S.C. § 242)

16. Paragraphs 1 through 3 are realleged and incorporated herein.

17. On or about September 29, 2017, in the District of Oregon, defendant **TONY DANIEL KLEIN**, while acting under color of law, and acting without a legitimate penological purpose and without a legitimate medical purpose, penetrated AV3's vulva with his penis without her consent, thereby willfully depriving AV3 of her right not to be subjected to cruel and unusual punishment, a right secured and protected by the Constitution and laws of the United States.

In violation of Title 18, United States Code, Section 242.

COUNT 8
(Deprivation of Rights - 18 U.S.C. § 242)

18. Paragraphs 1 through 3 are realleged and incorporated herein.

19. Between on or about October 1, 2017, and on or about October 31, 2017, in the District of Oregon, defendant **TONY DANIEL KLEIN**, while acting under color of law, and acting without a legitimate penological purpose and without a legitimate medical purpose, caused his penis to have contact with AV3's mouth without her consent, thereby willfully depriving AV3 of her right not to be subjected to cruel and unusual punishment, a right secured and protected by the Constitution and laws of the United States. The defendant's conduct included aggravated sexual abuse.

In violation of Title 18, United States Code, Section 242.

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Indictment

COUNT 9
(Deprivation of Rights - 18 U.S.C. § 242)

20. Paragraphs 1 through 3 are realleged and incorporated herein.

21. On or about November 13, 2017, in the District of Oregon, defendant **TONY DANIEL KLEIN**, while acting under color of law, and acting without a legitimate penological purpose and without a legitimate medical purpose, touched AV3's breasts without her consent, thereby willfully depriving AV3 of her right not to be subjected to cruel and unusual punishment, a right secured and protected by the Constitution and laws of the United States.

In violation of Title 18, United States Code, Section 242.

COUNT 10
(Deprivation of Rights - 18 U.S.C. § 242)

22. Paragraphs 1 through 3 are realleged and incorporated herein.

23. Between on or about May 1, 2017, and on or about November 30, 2017, in the District of Oregon, defendant **TONY DANIEL KLEIN**, while acting under color of law, and acting without a legitimate penological purpose and without a legitimate medical purpose, penetrated AV4's vulva with his penis without her consent, thereby willfully depriving AV4 of her right not to be subjected to cruel and unusual punishment, a right secured and protected by the Constitution and laws of the United States. The defendant's conduct resulted in bodily injury.

In violation of Title 18, United States Code, Section 242.

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COUNT 11
(Deprivation of Rights - 18 U.S.C. § 242)

24. Paragraphs 1 through 3 are realleged and incorporated herein.

25. On or about December 12, 2016, in the District of Oregon, defendant **TONY DANIEL KLEIN**, while acting under color of law, and acting without a legitimate penological purpose and without a legitimate medical purpose, touched AV5's buttocks without her consent, thereby willfully depriving AV5 of her right not to be subjected to cruel and unusual punishment, a right secured and protected by the Constitution and laws of the United States.

In violation of Title 18, United States Code, Section 242.

COUNT 12
(Deprivation of Rights - 18 U.S.C. § 242)

26. Paragraphs 1 through 3 are realleged and incorporated herein.

27. Between on or about December 23, 2016, and on or about July 24, 2017, in the District of Oregon, defendant **TONY DANIEL KLEIN**, while acting under color of law, and acting without a legitimate penological purpose and without a legitimate medical purpose, touched AV6's genitalia without her consent and touched her inner thigh without her consent, thereby willfully depriving AV6 of her right not to be subjected to cruel and unusual punishment, a right secured and protected by the Constitution and laws of the United States.

In violation of Title 18, United States Code, Section 242.

COUNT 13
(Deprivation of Rights - 18 U.S.C. § 242)

28. Paragraphs 1 through 3 are realleged and incorporated herein.

29. Between on or about December 23, 2016, and on or about July 24, 2017, in the District of Oregon, defendant **TONY DANIEL KLEIN**, while acting under color of law, and

acting without a legitimate penological purpose and without a legitimate medical purpose, caused AV6 to touch his penis without her consent and, thereby willfully depriving AV6 of her right not to be subjected to cruel and unusual punishment, a right secured and protected by the Constitution and laws of the United States.

In violation of Title 18, United States Code, Section 242.

COUNT 14
(Deprivation of Rights - 18 U.S.C. § 242)

30. Paragraphs 1 through 3 are realleged and incorporated herein.

31. Between on or about December 23, 2016, and on or about July 24, 2017, in the District of Oregon, defendant **TONY DANIEL KLEIN**, while acting under color of law, and acting without a legitimate penological purpose and without a legitimate medical purpose, touched AV6's breasts without her consent, thereby willfully depriving AV6 of her right not to be subjected to cruel and unusual punishment, a right secured and protected by the Constitution and laws of the United States.

In violation of Title 18, United States Code, Section 242.

COUNT 15
(Deprivation of Rights - 18 U.S.C. § 242)

32. Paragraphs 1 through 3 are realleged and incorporated herein.

33. Between on or about March 1, 2017, and on or about September 30, 2017, in the District of Oregon, defendant **TONY DANIEL KLEIN**, while acting under color of law, and acting without a legitimate penological purpose and without a legitimate medical purpose, digitally penetrated AV7's genital opening without her consent, thereby willfully depriving AV7

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of her right not to be subjected to cruel and unusual punishment, a right secured and protected by the Constitution and laws of the United States.

In violation of Title 18, United States Code, Section 242.

COUNT 16
(Deprivation of Rights - 18 U.S.C. § 242)

34. Paragraphs 1 through 3 are realleged and incorporated herein.

35. Between on or about July 3, 2017, and on or about July 17, 2017, in the District of Oregon, defendant **TONY DANIEL KLEIN**, while acting under color of law, and acting without a legitimate penological purpose and without a legitimate medical purpose, digitally penetrated AV8's genital opening without her consent, thereby willfully depriving AV8 of her right not to be subjected to cruel and unusual punishment, a right secured and protected by the Constitution and laws of the United States.

In violation of Title 18, United States Code, Section 242.

COUNT 17
(Deprivation of Rights - 18 U.S.C. § 242)

36. Paragraphs 1 through 3 are realleged and incorporated herein.

37. Between on or about July 15, 2017, and on or about August 31, 2017, in the District of Oregon, defendant **TONY DANIEL KLEIN**, while acting under color of law, and acting without a legitimate penological purpose and without a legitimate medical purpose, touched AV9's genitalia without her consent, thereby willfully depriving AV9 of her right not to be subjected to cruel and unusual punishment, a right secured and protected by the Constitution and laws of the United States.

In violation of Title 18, United States Code, Section 242.

COUNT 18
(Deprivation of Rights - 18 U.S.C. § 242)

38. Paragraphs 1 through 3 are realleged and incorporated herein.

39. Between on or about August 2, 2017, and on or about August 13, 2017, in the District of Oregon, defendant **TONY DANIEL KLEIN**, while acting under color of law, and acting without a legitimate penological purpose and without a legitimate medical purpose, touched AV10's breasts without her consent and caused his penis to touch AV10's body without her consent, thereby willfully depriving AV10 of her right not to be subjected to cruel and unusual punishment, a right secured and protected by the Constitution and laws of the United States.

In violation of Title 18, United States Code, Section 242.

COUNT 19
(Deprivation of Rights - 18 U.S.C. § 242)

40. Paragraphs 1 through 3 are realleged and incorporated herein.

41. Between on or about July 3, 2017, and on or about September 21, 2017, in the District of Oregon, defendant **TONY DANIEL KLEIN**, while acting under color of law, and acting without a legitimate penological purpose and without a legitimate medical purpose, touched AV11's genitalia without her consent, thereby willfully depriving AV11 of her right not to be subjected to cruel and unusual punishment, a right secured and protected by the Constitution and laws of the United States.

In violation of Title 18, United States Code, Section 242.

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Indictment

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COUNT 20
(Deprivation of Rights - 18 U.S.C. § 242)

42. Paragraphs 1 through 3 are realleged and incorporated herein.

43. Between on or about October 21, 2017, and on or about October 25, 2017, in the District of Oregon, defendant **TONY DANIEL KLEIN**, while acting under color of law, and acting without a legitimate penological purpose and without a legitimate medical purpose, touched AV12's breasts without her consent, thereby willfully depriving AV12 of her right not to be subjected to cruel and unusual punishment, a right secured and protected by the Constitution and laws of the United States.

In violation of Title 18, United States Code, Section 242.

COUNT 21
(Deprivation of Rights - 18 U.S.C. § 242)

44. Paragraphs 1 through 3 are realleged and incorporated herein.

45. Between on or about October 21, 2017, and on or about October 25, 2017, in the District of Oregon, defendant **TONY DANIEL KLEIN**, while acting under color of law, and acting without a legitimate penological purpose and without a legitimate medical purpose, touched AV12's genitalia without her consent, thereby willfully depriving AV12 of her right not to be subjected to cruel and unusual punishment, a right secured and protected by the Constitution and laws of the United States.

In violation of Title 18, United States Code, Section 242.

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Indictment

COUNT 22
(False Declarations Before Court - 18 U.S.C. § 1623)

46. Paragraphs 1 through 3 are realleged and incorporated herein.

47. On or about November 20, 2019, in the District of Oregon, defendant **TONY DANIEL KLEIN**, having taken an oath that he would testify truthfully at a deposition ancillary to a proceeding in the United States District Court for the District of Oregon entitled *Suarez v. Peters, et al.*, No. 3:19-cv-00095-IM, knowingly made a false material declaration, that is, he gave the following underlined false testimony:

Q: Okay. Mr. Klein, have you ever had sexual vaginal intercourse with any incarcerated adult while you were employed with the Oregon Department of Corrections?

A: I have not,
when he knew at that time that, in fact, he had engaged in sexual vaginal intercourse with at least one incarcerated adult while employed with the Oregon Department of Corrections.

In violation of Title 18, United States Code, Section 1623(a).

COUNT 23
(False Declarations Before Court - 18 U.S.C. § 1623)

48. Paragraphs 1 through 3 are realleged and incorporated herein.

49. On or about November 20, 2019, in the District of Oregon, defendant **TONY DANIEL KLEIN**, having taken an oath that he would testify truthfully at a deposition ancillary to a proceeding in the United States District Court for the District of Oregon entitled *Suarez v. Peters, et al.*, No. 3:19-cv-00095-IM, knowingly made a false material declaration, that is, he gave the following underlined false testimony:

Q: Have you ever penetrated the vagina or anus of any adult incarcerated female with your penis, fingers, or tongue while you were employed by the Oregon Department of Corrections?

A: I have not.
when he knew at that time that, in fact, he had both digitally and with his penis penetrated the vagina of at least one incarcerated female while employed with the Oregon Department of Corrections.

In violation of Title 18, United States Code, Section 1623(a).

COUNT 24
(False Declarations Before Court - 18 U.S.C. § 1623)

50. Paragraphs 1 through 3 are realleged and incorporated herein.

51. On or about November 20, 2019, in the District of Oregon, defendant **TONY DANIEL KLEIN**, having taken an oath that he would testify truthfully at a deposition ancillary to a proceeding in the United States District Court for the District of Oregon entitled *Suarez v. Peters, et al.*, No. 3:19-cv-00095-IM, knowingly made a false material declaration, that is, he gave the following underlined false testimony:

Q: Have you ever kissed any adult female while you were employed by the Oregon Department of Corrections?

A. My wife.

Q. Have you ever kissed any adult incarcerated female?

A. I don't think I heard the "incarcerated" part, but no, no incarcerated people, when he knew at that time that, in fact, he had kissed at least one adult incarcerated female while employed with the Oregon Department of Corrections.

In violation of Title 18, United States Code, Section 1623(a).

COUNT 25
(False Declarations Before Court - 18 U.S.C. § 1623)

52. Paragraphs 1 through 3 are realleged and incorporated herein.

53. On or about November 20, 2019, in the District of Oregon, defendant **TONY DANIEL KLEIN**, having taken an oath that he would testify truthfully at a deposition ancillary to a proceeding in the United States District Court for the District of Oregon entitled *Suarez v. Peters, et al.*, No. 3:19-cv-00095-IM, knowingly made a false material declaration, that is, he gave the following underlined false testimony:

Q: And, Mr. Klein, have you ever had any sexual contact with any adult female incarcerated person with the intent to abuse, arouse, or gratify your sexual desire?

A. I have not,

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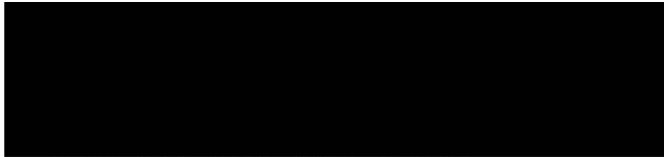
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when he knew at that time that, in fact, he had had sexual contact with at least one adult female incarcerated person with the intent to abuse, arouse, or gratify his sexual desire.

In violation of Title 18, United States Code, Section 1623(a).

Dated: March 8, 2022

A TRUE BILL.




OFFICIATING FOREPERSON


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